

U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2019 MAR 19 A 11:25
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ATTACHMENT A

STIPULATION OF FACTS

The undersigned parties stipulate and agree that if this case had proceeded to trial, this Office would have proven the following facts beyond a reasonable doubt. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter proceeded to trial.

Between at least in or about March 2014 and in or about September 2014, in the District of Maryland and elsewhere, the Defendant, ISHMEL SESAY ("SE SAY"), did knowingly and willfully combine, conspire, confederate, and agree with Olubode Akinbolusire ("Akinbolusire") and others (collectively, "co-conspirators") to knowingly and with the intent to defraud use one or more unauthorized access devices during any one-year period, and by such conduct obtained items of value aggregating \$1,000 or more during that period, in a manner affecting interstate and foreign commerce, in violation of 18 U.S.C. § 1029(a)(2).

Between at least March 2014 and in or about September 2014, SESAY and his co-conspirators obtained credit card and debit card numbers associated with other people's accounts. SESAY and his co-conspirators caused these access device numbers to be encoded on the magnetic strips of blank cards and cards embossed with the names of SESAY and Akinbolusire. SESAY and his co-conspirators used these re-encoded cards to purchase gift cards, merchandise, and other things of value at Army and Air Force Exchange Service ("AAFES") stores located on military installations in the greater Washington, D.C. metropolitan area. These included AAFES stores located at Fort Meade, Joint Base Andrews, Fort Myers, Fort Belvoir, and Joint Base Anacostia-Bolling. The majority of the fraudulent purchases made by SESAY were at Fort Meade and Fort Myers, located in Maryland.

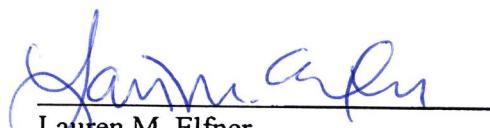
SE SAY and his co-conspirators used stolen bank or credit card information from at least 13 different individuals to conduct over 190 fraudulent transactions totaling at least \$140,000. The loss amount that was reasonably foreseeable to SESAY as a part of the conspiracy was at least \$140,000.

SE SAY and Akinbolusire frequently made fraudulent purchases together. For example, on or about September 7, 2014, between 3:19 and 3:46 p.m., SE SAY used Victim B's stolen bank card information to make at least three different purchases at AAFES stores in Maryland: (1) at 3:19 p.m., two Vanilla Visa gift cards and other miscellaneous items for \$258.89 at the Fort Meade AAFES store; (2) at 3:30 p.m., two Vanilla Visa gift cards and other miscellaneous items for \$223.20 at the Fort Meade 24 Hour Express Store; and (3) at 3:42 p.m., two Vanilla Visa gift cards and other miscellaneous items for \$215.88 from the Fort Meade AAFES Gate 32 Express Store. That same day, Akinbolusire used Victim A's stolen bank card information to make at least two different purchases at AAFES stores in Maryland during the same time period: (1) at 3:21 p.m., a \$500 Vanilla Visa gift card at the Fort Meade AAFES Main Store; and (2) at 3:46 p.m., two \$100 Vanilla Visa gift cards and other miscellaneous items for \$220.45 from the Fort Meade AAFES Gate 32 Express Store.

On September 7, 2014, SESAY used Victim B's stolen bank card information to make seven different purchases at AAFES stores in Maryland and Virginia. These purchases totaled approximately \$1,401.66. SESAY made these purchases without Victim B's knowledge or authority. Further, SESAY knew that he was using stolen bank card information to make these purchases.

The AAFES stores conducted business in and affecting interstate commerce in that many of the products sold to AAFES customers were obtained from vendors and distribution centers outside of Maryland. Further, credit and debit transactions made at AAFES stores are processed centrally from a facility outside the State of Maryland.

SO STIPULATED:



Lauren M. Elfner
Special Assistant United States Attorney

Thomas P. Windom
Assistant United States Attorney



Ishmel Sesay
Defendant



Bruce Marcus, Esq.
Counsel for Defendant